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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/130,593 08/07/98 GUST

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IM52/0813

ROBERT W BECKER & ASSOCIATES
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TIJERAS NM 87059

EXAMINER

NOLAN, S

ART UNIT

PAPER NUMBER

1772

DATE MAILED: 08/13/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Applicant's Name

09/130,593

Applicant(s)

GUST, HERBERT

Examiner

Sandra M. Nolan

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 17-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Continued Prosecution Application

1. The request filed on July 23, 2001 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/130,593 is acceptable and a CPA has been established. An action on the CPA follows.

Claims

2. Claims 1-25 are pending. Claims 1-16 are under consideration, claims 17-25 having been held as non-elected pursuant to Applicant's election of claims 1-16 during the phone call of February 17, 2000 (See section 4 of the Office Action of March 2, 2000, Paper No. 4).

Entry of Amendment

3. The amendment submitted on June 5, 2001 (Paper No. 9) has been entered.

Rejection Maintained

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4. The 35 USC 103 rejection of claims 1-16 as unpatentable over Heine (US 5,874,170) in view of Krause (US 5,958,532), as recited in section 6 of Paper No. 4 and repeated in section 3 of the Final Rejection of November 21, 2000 (Paper No. 7), is maintained for the reasons of record.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1-16 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The phrase "morphologically" (claim 1, line 9) is not supported by the application as originally filed. Cancellation of the new matter is requested.

Response to Arguments

7. Applicant's arguments filed in the Request for Reconsideration dated July 23, 2001 (Paper No. 13) have been fully considered but they are not persuasive.

The comments here respond to Applicant's arguments in Paper No. 13. It is noted that the non-entry of the amendment submitted on June 5, 2001 was discussed, but the 35 USC 103 rejection was not discussed by Applicants in Paper No. 13.

Applicant argues that "chemical and morphological changes" is supported by the application because it is disclosed at page 3, lines 9-11 of the specification.

The Examiner disagrees. Chemical modification of the surface is mentioned, but morphological modification is not.

Applicant argues that the phrase "non-necessity for the user of intermediate components" is supported by the application.

The Examiner is willing to permit insertion of the quoted phrase into claim 1 because the sentence bridging pages 3 and 4 recites, in pertinent part, "It is possible to connect the plasma-treated part directly. . . to the support member."

Also, the passages on pages 11 and 12 of the specification that are referred to in Paper No. 13 support the new language re: the use of a direct connection of the parts.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra M. Nolan, whose telephone number is (703) 308-9545. The examiner can be reached weekdays from 6:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on (703) 308-4251. The fax phone number for the art unit is (703) 305-5408. The receptionist's phone is (703) 308-0661.



S. M. Nolan
Patent Examiner
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